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for the use of students, no other single volume can be compared with it in its scope and encyclopaedic character. The fields of administration, administrative organization and administrative jurisdiction, judicial organization, local government, colonies, public establishments, police, navigation, public domain, expropriation, public assistance, military organization, public functionaries, and, indeed, almost every conceivable question of administrative and constitutional law are fully treated. It is safe to say that no other book contains such a vast amount of information on so wide a variety of topics in French public law as this one, and all students should welcome its appearance in a revised and up-to-date edition.

JAMES W. GARNER.

*A History of Continental Criminal Procedure with Special Reference to France.* By A. ESMEIN. Translated by John Simpson, with an editorial preface by William E. Mikell and introductions by Norman M. Trenholme and W. R. Riddell. (Boston: Little, Brown and Company, 1913. Pp. xlv, 640.)

This is one of the volumes in the Continental Legal History Series now being published under the auspices of the Association of American Law Schools. It is in the main a translation of the late Professor Esmein's *Histoire de la Procédure Criminelle en France et spécialement de la procédure inquisitoire depuis le XIIIe Siècle jusqu' à nos Jours* which was crowned by the Academy of Moral and Political Sciences. It was the first of the notable treatises in French legal history by this distinguished scholar who, we regret to say, passed away in July last just as the English translation was appearing from the press. The edition from which the English translation is made was thoroughly revised by the author before his death and parts of it were entirely rewritten in the light of the more recent researches of legal scholars. Several chapters devoted to the early jurisdictions of France have been omitted from the translation though the loss has been more than compensated for by the inclusion at the beginning of three chapters on "Types of Procedure," "Roman Procedure" and "Primitive Germanic Criminal Procedure" and the addition of three others at the end on "Procedure since 1800 in Other Countries," "Scientific Literature of Criminal Procedure" and the "History of the Continental System of Evidence." These selections are taken from Professor Garraud's scholarly treatise on *French Criminal Procedure* and from Professor Mittermaier's *Progress of German Criminal*

*Procedure* the latter chapters being translated by Thomas S. Bell. Regarding the wisdom of including these supplemental chapters, there will probably be no difference of opinion except, possibly, as to the chapter on "Criminal Procedure since 1900 in Other Countries" which is too brief and sketchy to be of much use to students of legal history, and this is especially true of the less than two pages on American procedure. The most useful portion of this chapter is the comprehensive bibliography which has been prepared by the author with characteristic German thoroughness and which will serve as a guide to those who desire to study with more detail foreign procedure.

The main portion of the work, however, is Esmein's. From a somewhat brief survey of the criminal courts of ancient France, of feudal procedure, which was mainly accusatory in character, of the growth of the inquisitorial procedure during the 13th and 14th centuries, and of the procedure under the ordinances of the 15th and 16th centuries, he comes to the main theme of his treatise, namely, the ordinance of 1670, which definitely established the system of inquisitorial procedure and which remained the basis of French procedure until the Revolution, and is to some extent now. This is followed by an admirable chapter of 72 pages on the development of criminal procedure in other countries of Europe, in which the author traces the main lines of growth, and points out the resemblances and differences. This chapter was rewritten and brought up to date by M. Esmein especially for the American translation.

The third and concluding part of the work deals with the changes in French procedure since the Revolution. With the outbreak of the Revolution, there was a widespread demand for the introduction into France of English methods of procedure, just as there was a little later a demand for the introduction of the English system of parliamentary government (and which was introduced in 1814). In the end, the result of the contest between the advocates of English institutions and their adversaries was a compromise, the terms of which were embodied in the code of 1808. It provided for a mixed form of the accusatory and inquisitorial systems and for the introduction of the jury system, though without the requirement of a unanimous verdict. Oral and public procedure was also introduced. These are today the dominant principles of French procedure.

The whole story of the development of French criminal procedure and its present status as described by M. Esmein is an interesting and scholarly contribution to the literature of legal history, and it can be studied with some profit by those who are dissatisfied, not to say disgusted, with the results of our own procedure. The general opinion in this country

is that we have nothing to learn from France in respect to methods of criminal procedure, but as Professor John D. Lawson has recently shown in a series of articles in the *American Law Review*, based upon extensive personal observations in France, the French procedure does not deserve all the odium that has been heaped upon it by foreign critics.

The repudiation by the French of the unanimity requirement in respect to verdicts by the jury and their rule which allows the jury to take into consideration the refusal of the accused to testify in his own behalf, have found an increasing number of supporters in this country, and there are even some who are beginning to see certain advantages in the inquisitorial methods of the examining magistrates. The provision of a recent French law which provides a system of reparation for the innocent man who has been convicted upon judicial errors is certainly to be commended and this principle, if no other, might well be introduced into our law. The translation of M. Esmein's work has been well done and American students who cannot read French owe the translator a large debt of gratitude for making this valuable treatise accessible to them in their own language. The occasional translation of *bailli* as "bailiff," of *prévot* as "provost" and of *roturier* as "villain" is, however, hardly exact since there is no precise English equivalent for these terms. It would be better, we think, not to attempt to render them into English.

JAMES W. GARNER.

*Greek Imperialism.* By WILLIAM SCOTT FERGUSON. (New York: Houghton Mifflin Company, 1913. Pp. xiv, 258.)

In the first of the seven lectures of which this book is made Professor Ferguson sketches the main lines of imperial development in Greece, and in the rest he characterizes the chief imperial growths which arose there, taking in their natural order Athens, Sparta, the world monarchy of Alexander the Great, and its Diadochian tripartitions, the Ptolemaic Dynasty, the Seleucid Empire and the Empire of the Antigonids. He states the thesis of his work as follows: The city-states of Greece were unicellular organisms which were incapable of growth except by subdivision. But new and old cells could not combine, so the remedy was to change the texture of cell walls so that mutual abhorrence could be changed to mutual adherence. The federal system and the deification of rulers were the germs that worked the change.

Professor Ferguson implies clearly in his thesis the inherent difficulties of his task. The Hellenes were not imperialists. Their intense city-